

REMARKS/ARGUMENTS

This is in response to the official action dated May 28, 2009. Reconsideration is respectfully requested.

Rejections under 35 U.S.C. 101

The Examiner rejected claims 12-14 and 22 under 35 USC 101 for being drawn to a method for determining an optimal genetic - test order for diagnosing mutations relating to a disease. To expedite prosecution, Applicant has canceled claims 12-14 and 22.

Thus, the rejection is moot and should be withdrawn.

Claim rejections under 35 U.S.C. 112

The Examiner rejected claims 1-2 and 4-11 as failing to comply with the written description requirement. The Examiner stated that the claim(s) contains subject matter which was not described in the specification.

Applicant has amended the claim to eliminate the rejected expression “tangible”. Support for amended language “computer recordable media” is found in the specification (page 1 of 48).

Thus, applicant submits that the only remaining claims 1-2 and 4-11 are in condition of allowance.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No.

14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By /Christa Hildebrand/

Christa Hildebrand
Reg. No. 34,953
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844